

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79142068
LAW OFFICE ASSIGNED	LAW OFFICE 103
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Applicant must respectfully insist that its mark NEOLITH can coexist with the cited registration NEOLITHIC DESIGN without creating a likelihood of confusion scenario. The meaning of words is an essential factor in determining likelihood of confusion. The words NEOLITHIC and NEOLITH are not the same. They do not mean the same. NEOLITHIC is an adjective. NEOLITH is a noun. NEOLITHIC refers to a period of human technology, beginning about 10,000 BC, considered the last part of the stone age. This era marked the beginning of the use of wild and domestic crops and of domesticated animals. A search in the Internet of the term NEOLITHIC results in hundreds of articles about this era of recorded human existence on Earth. A search of the term NEOLITH on the Internet reveals applicant's website and applicant's NEOLITH brand and products and services. Anything else barely appears. Applicant will not deny that one result is found indicating that NEOLITH is a Neolithic stone implement. Yet, there is barely any information as to what that implement is. The practical result is that NEOLITHIC is a term that refers to the last part of the stone age and this is easily obtained whereas NEOLITH is a very rare term, perceived by most consumers as a coined, invented term. The cited registration covers retail and wholesale store services featuring new and reclaimed stone and architectural elements, doorway and fireplace surrounds, fountains surrounds, fountains, basins, claddings and tile. Clearly there is a connection between the fact that the term refers to the last part of the stone age and the fact that new and reclaimed stones are part of the goods that are the object of the registrant's retail and wholesale store services. The mark NEOLITHIC DESIGN is a suggestive mark because there is some connection between the services and the meaning of the term. Suggestive marks are afforded a narrow scope of protection. The term NEOLITH is essentially an unknown term, as indicated, that is perceived by consumers as a coined, invented term, and there is no relation whatsoever between the meaning of said word, which again, is barely known and verifiable, and applicant's goods and services which are: Class 019 Non-metallic building materials for construction purposes, namely, wall boards, cladding, large format flooring materials and cladding facade panels, decking, boards, and plates of porcelain prepared with natural and ecological raw materials for coating facades, buildings, roofs, walls and floors; prefabricated boards of ceramic and porcelain for coating and building construction; nonmetal paving blocks of ceramic, sandstone, porcelain, natural or artificial stone and wood; tiles of sandstone; tiles of ceramic; tiles of natural or artificial stone, porcelain and wood; marble for building construction; non-metal plates of ceramic, porcelain and marble for building construction; non-metal slabs of natural stone, concrete or marble; paving blocks not of metal; exterior and outdoor blinds not of metal or textile; facing tiles not of metal for use in building; coating materials not of metal,</p>	

namely, protective sealing coatings sold as an integral component of granite and stone; sealer coatings sold as an integral component of non-metal tiles, natural stone, and molded resins for construction purposes; tar coatings for use on roofs, walls and pavements; panels, slabs, plates, all not of metal, for coating walls, floors and roofs; glass panels for building construction, namely, for windows and doors; non-metal moldings and decorative trim for use in building construction; non-metallic transportable buildings Class 035 Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for coating all types of constructions and worktops, ceramic and porcelain worktops, marble worktops; advertising services, import and export services in the field of building materials, namely ceramic and porcelain products; commercial business services, namely, promoting the goods and services of others via a global communication network, namely, via online notices and advertisements and posting on an electronic site accessible via computer networks; auction and on-line auction services; professional business consulting services; organization of exhibitions for commercial or advertising purposes; conducting an on-line tradeshow exhibition in the field of building materials; commercial information; distribution of product samples for advertising purposes; distribution of advertisements and advertising material; cost-price analysis; market research and studies; business efficiency expert services; message transcription, namely, transcription of written communications and recordings; dissemination of advertising matter; business management of commercial or industrial companies; operational business assistance to commercial and industrial enterprises; advice in the running of establishments as franchises, namely, support services for the issuance of franchises

The mark NEOLITH, contrary to NEOLITHIC DESIGN, is a strong inherently registrable mark. Applicant's NEOLITH product is essentially an innovative sintered compact surface with different thicknesses and excellent mechanical properties used. It is lightweight, resistant to scratches, resistant to high temperatures, waterproof, flex resistant, UV resistant and resistant to high traffic. It may be installed on facades, floors, sinks, kitchen tops, bathroom tops, home and office walls. See attached evidence. Applicant is more than willing to limit the identification of the goods so as to cover this innovative product that it has created and that it markets and sells under the brand NEOLITH. Sintering is the process of compacting and forming a solid mass of material by heat and/or pressure without melting it to the point of liquefaction. Again, applicant's product has no relation whatsoever to new and reclaimed stone and architectural elements, doorway and fireplace surrounds, fountains surrounds, fountains, basins, claddings and tile, which are the goods that are the object of the registrant's retail and wholesale store services. They are non-competing goods other than the fact that generally speaking they are construction materials. To sum up NEOLITHIC DESIGN and NEOLITH are distinguishable marks. NEOLITHIC is an adjective. NEOLITH is a noun. NEOLITHIC has a well known meaning whereas NEOLITH has an unknown meaning and As far as the consumer is concerned, NEOLITH is a coined term with no meaning. NEOLITHIC is weak in relation to the services it covers, NEOLITH is entirely arbitrary in connection with the goods and services applicant seeks to cover. Evidently, these marks can coexist in the market without creating a likelihood of confusion scenario. Lastly, applicant would like to point out the following. The final action states, on one hand, that the arguing that the Trademark Office previously allowed MONOLITHIC and MONOLITH for related goods is of no consequence because prior decisions and actions of other trademark examining attorneys in registering other marks have little evidentiary value and not binding upon the USPTO or the TTAB. Yet on the other hand, the final action supports its refusal, in part, on third party marks that were registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This presents an inconsistency. Third party registrations that cover similar goods and services are binding or at least persuasive but third party registrations of similar marks covering related goods and services that coexist are not? Applicant must insist that either both or none are to be taken into consideration. Applicant respectfully request that the section 2(d) refusal entered in this case be withdrawn and that the applied for mark be approved and allowed to proceed to publication. Respectfully submitted.

EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_6650153108-20141222215158170737 . CCF12222014_00001.pdf
CONVERTED PDF FILE(S) (10 pages)	\\TICRS\EXPORT16\IMAGEOUT16\791\420\79142068\xml12\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\420\79142068\xml12\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\420\79142068\xml12\RFR0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\420\79142068\xml12\RFR0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\420\79142068\xml12\RFR0006.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\420\79142068\xml12\RFR0007.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\420\79142068\xml12\RFR0008.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\420\79142068\xml12\RFR0009.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\420\79142068\xml12\RFR0010.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\791\420\79142068\xml12\RFR0011.JPG
DESCRIPTION OF EVIDENCE FILE	scanned pages from applicant's website
GOODS AND/OR SERVICES SECTION (019)(current)	
INTERNATIONAL CLASS	019
DESCRIPTION	
<p>Non-metallic building materials, namely, wall, cladding, large format flooring and cladding facades, decking, boards and plates of porcelain prepared with natural and ecological raw materials for coating facades, buildings, roofs, walls and floors; prefabricated boards of ceramic and porcelain for coating and building construction; pavings and coatings of ceramic, sandstone, porcelain, natural or artificial stone and wood; tiles of sandstone; tiles of ceramic; tiles of natural or artificial stone, porcelain and wood; marble for building construction; plates of ceramic, porcelain and marble for building construction; slabs of natural stone, concrete or marble; paving blocks not of metal; exterior and outdoor blinds not of metal or textile; coatings for stairs not of metal; facing tiles not of metal for use in building; coating materials not of metal, namely, protective sealing coatings sold as an integral component of granite and stone; sealer coatings sold as an integral component of non-metal tiles, natural stone, and molded resins for construction purposes; tar coatings for use on roofs, walls and pavements; panels, slabs, plates, not of metal, for coating walls, floors and roofs; glass panels for windows and doors; moldings and decorative trim for use in building construction; non-metallic transportable buildings</p>	
GOODS AND/OR SERVICES SECTION (019)(proposed)	
INTERNATIONAL CLASS	019

TRACKED TEXT DESCRIPTION

~~Non-metallic building materials, namely, wall, cladding, large format flooring and cladding facades, decking, boards and plates of porcelain prepared with natural and ecological raw materials for coating facades, buildings, roofs, walls and floors;~~ Non-metallic building materials for construction purposes, namely, wall boards, cladding, large format flooring materials and cladding façade panels, decking, boards, and plates of porcelain prepared with natural and ecological raw materials for coating facades, buildings, roofs, walls and floors; prefabricated boards of ceramic and porcelain for coating and building construction; ~~pavings and coatings of ceramic, sandstone, porcelain, natural or artificial stone and wood;~~ nonmetal paving blocks of ceramic, sandstone, porcelain, natural or artificial stone and wood; tiles of sandstone; tiles of ceramic; tiles of natural or artificial stone, porcelain and wood; marble for building construction; ~~plates of ceramic, porcelain and marble for building construction;~~ non-metal plates of ceramic, porcelain and marble for building construction; ~~slabs of natural stone, concrete or marble;~~ non-metal slabs of natural stone, concrete or marble; paving blocks not of metal; exterior and outdoor blinds not of metal or textile; ~~coatings for stairs not of metal;~~ facing tiles not of metal for use in building; coating materials not of metal, namely, protective sealing coatings sold as an integral component of granite and stone; sealer coatings sold as an integral component of non-metal tiles, natural stone, and molded resins for construction purposes; tar coatings for use on roofs, walls and pavements; panels, slabs, plates, all not of metal, for coating walls, floors and roofs; ~~panels, slabs, plates, not of metal, for coating walls, floors and roofs;~~ glass panels for building construction, namely, for windows and doors; ~~glass panels for windows and doors;~~ non-metal moldings and decorative trim for use in building construction; ~~moldings and decorative trim for use in building construction;~~ non-metallic transportable buildings

FINAL DESCRIPTION

Non-metallic building materials for construction purposes, namely, wall boards, cladding, large format flooring materials and cladding façade panels, decking, boards, and plates of porcelain prepared with natural and ecological raw materials for coating facades, buildings, roofs, walls and floors; prefabricated boards of ceramic and porcelain for coating and building construction; nonmetal paving blocks of ceramic, sandstone, porcelain, natural or artificial stone and wood; tiles of sandstone; tiles of ceramic; tiles of natural or artificial stone, porcelain and wood; marble for building construction; non-metal plates of ceramic, porcelain and marble for building construction; non-metal slabs of natural stone, concrete or marble; paving blocks not of metal; exterior and outdoor blinds not of metal or textile; facing tiles not of metal for use in building; coating materials not of metal, namely, protective sealing coatings sold as an integral component of granite and stone; sealer coatings sold as an integral component of non-metal tiles, natural stone, and molded resins for construction purposes; tar coatings for use on roofs, walls and pavements; panels, slabs, plates, all not of metal, for coating walls, floors and roofs; glass panels for building construction, namely, for windows and doors; non-metal moldings and decorative trim for use in building construction; non-metallic transportable buildings

GOODS AND/OR SERVICES SECTION (020)(no change)**GOODS AND/OR SERVICES SECTION (035)(current)****INTERNATIONAL CLASS**

035

DESCRIPTION

Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for

coating all types of constructions and worktops, ceramic and porcelain worktops, marble worktops; advertising services, import and export services in the field of building materials, namely ceramic and porcelain products; commercial services including via global communication networks, namely, ; commercial business services, namely, promoting the goods and services of others via a global communication network, namely, via online notices and advertisements and posting on an electronic site accessible via computer networks; auction and on-line auction services; professional business consulting services; organization of exhibitions for commercial or advertising purposes; conducting an on-line tradeshow exhibition in the field of building materials; commercial information; distribution of product samples for advertising purposes; distribution of advertisements and advertising material; cost-price analysis; market research and studies; business efficiency expert services; message transcription, namely, transcription of written communications and recordings; dissemination of advertising matter; business management of commercial or industrial companies; operational business assistance to commercial and industrial enterprises; advice in the running of establishments as franchises, namely, support services for the issuance of franchises

GOODS AND/OR SERVICES SECTION (035)(proposed)

INTERNATIONAL CLASS

035

TRACKED TEXT DESCRIPTION

~~Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for coating all types of constructions and worktops, ceramic and porcelain worktops, marble worktops;~~
Class 035 Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for coating all types of constructions and worktops, ceramic and porcelain worktops, marble worktops; advertising services, import and export services in the field of building materials, namely ceramic and porcelain products; ~~commercial services including via global communication networks, namely;~~ commercial business services, namely, promoting the goods and services of others via a global communication network, namely, via online notices and advertisements and posting on an electronic site accessible via computer networks; auction and on-line auction services; professional business consulting services; organization of exhibitions for commercial or advertising purposes; conducting an on-line tradeshow exhibition in the field of building materials; commercial information; distribution of product samples for advertising purposes; distribution of advertisements and advertising material; cost-price analysis; market research and studies; business efficiency expert services; message transcription, namely, transcription of written communications and recordings; dissemination of advertising matter; business management of commercial or industrial companies; operational business assistance to commercial and industrial enterprises; advice in the running of establishments as franchises, namely, support services for the issuance of franchises

FINAL DESCRIPTION

Class 035 Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for coating all types of constructions and worktops, ceramic and porcelain worktops, marble worktops; advertising services, import and export services in the field of building materials, namely ceramic and porcelain products; commercial business services, namely, promoting the goods and

services of others via a global communication network, namely, via online notices and advertisements and posting on an electronic site accessible via computer networks; auction and on-line auction services; professional business consulting services; organization of exhibitions for commercial or advertising purposes; conducting an on-line tradeshow exhibition in the field of building materials; commercial information; distribution of product samples for advertising purposes; distribution of advertisements and advertising material; cost-price analysis; market research and studies; business efficiency expert services; message transcription, namely, transcription of written communications and recordings; dissemination of advertising matter; business management of commercial or industrial companies; operational business assistance to commercial and industrial enterprises; advice in the running of establishments as franchises, namely, support services for the issuance of franchises

SIGNATURE SECTION

RESPONSE SIGNATURE	/Arturo Perez-Guerrero/
SIGNATORY'S NAME	Arturo Perez-Guerrero
SIGNATORY'S POSITION	Applicant's attorney, Puerto Rico bar member
SIGNATORY'S PHONE NUMBER	787 722-3446
DATE SIGNED	12/22/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES

FILING INFORMATION SECTION

SUBMIT DATE	Mon Dec 22 21:57:51 EST 2014
TEAS STAMP	USPTO/RFR-66.50.153.108-2 0141222215751816210-79142 068-50089c2c6b6751f1a62f9 fca48a2be3e677adc416fb85f 1f182c29696a65529-N/A-N/A -20141222215158170737

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **79142068** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Applicant must respectfully insist that its mark NEOLITH can coexist with the cited registration NEOLITHIC DESIGN without creating a likelihood of confusion scenario. The meaning of words is an essential factor in determining likelihood of confusion. The words NEOLITHIC and NEOLITH are not the same. They do not mean the same. NEOLITHIC is an adjective. NEOLITH is a noun. NEOLITHIC refers to a period of human technology, beginning about 10,000 BC, considered the last part of the stone age. This era marked the beginning of the use of wild and domestic crops and of domesticated animals. A search in the Internet of the term NEOLITHIC results in hundreds of articles about this era of recorded human existence on Earth. A search of the term NEOLITH on the Internet reveals applicant's website and applicant's NEOLITH brand and products and services. Anything else barely appears. Applicant will not deny that one result is found indicating that NEOLITH is a Neolithic stone implement. Yet, there is barely any information as to what that implement is. The practical result is that NEOLITHIC is a term that refers to the last part of the stone age and this is easily obtained whereas NEOLITH is a very rare term, perceived by most consumers as a coined, invented term. The cited registration covers retail and wholesale store services featuring new and reclaimed stone and architectural elements, doorway and fireplace surrounds, fountains surrounds, fountains, basins, claddings and tile. Clearly there is a connection between the fact that the term refers to the last part of the stone age and the fact that new and reclaimed stones are part of the goods that are the object of the registrant's retail and wholesale store services. The mark NEOLITHIC DESIGN is a suggestive mark because there is some connection between the services and the meaning of the term. Suggestive marks are afforded a narrow scope of protection. The term NEOLITH is essentially an unknown term, as indicated, that is perceived by consumers as a coined, invented term, and there is no relation whatsoever between the meaning of said word, which again, is barely known and verifiable, and applicant's goods and services which are: Class 019 Non-metallic building materials for construction purposes, namely, wall boards, cladding, large format flooring materials and cladding facade panels, decking, boards, and plates of porcelain prepared with natural and ecological raw materials for coating facades, buildings, roofs, walls and floors; prefabricated boards of ceramic and porcelain for coating and building construction; nonmetal paving blocks of ceramic, sandstone, porcelain, natural or artificial stone and wood; tiles of sandstone; tiles of ceramic; tiles of natural or artificial stone, porcelain and wood; marble for building construction; non-metal plates of ceramic, porcelain and marble for building construction; non-metal slabs of natural stone, concrete or marble; paving blocks not of metal; exterior and outdoor blinds not of metal or textile; facing tiles not of metal for use in building; coating materials not of metal, namely, protective sealing coatings sold as an integral component of granite and stone; sealer coatings sold as an integral component of non-metal tiles, natural stone, and molded resins for construction purposes; tar coatings for use on roofs, walls and pavements; panels, slabs, plates, all not of metal, for coating walls, floors and roofs; glass panels for building construction, namely, for windows and doors; non-metal moldings and decorative trim for use in building construction; non-metallic transportable buildings Class 035 Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for coating all types of constructions and worktops, ceramic and porcelain worktops, marble worktops; advertising services, import and export services in the field of building materials, namely ceramic and porcelain products; commercial business services, namely, promoting the goods and services of others via a global communication network, namely, via online notices and advertisements and posting on an electronic site accessible via computer networks; auction and on-line auction services; professional business consulting services; organization of exhibitions for commercial or advertising purposes; conducting an on-line tradeshow exhibition in the field of building materials; commercial information; distribution of product samples for advertising purposes; distribution of

advertisements and advertising material; cost-price analysis; market research and studies; business efficiency expert services; message transcription, namely, transcription of written communications and recordings; dissemination of advertising matter; business management of commercial or industrial companies; operational business assistance to commercial and industrial enterprises; advice in the running of establishments as franchises, namely, support services for the issuance of franchises The mark NEOLITH, contrary to NEOLITHIC DESIGN, is a strong inherently registrable mark. Applicant's NEOLITH product is essentially an innovative sintered compact surface with different thicknesses and excellent mechanical properties used. It is lightweight, resistant to scratches, resistant to high temperatures, waterproof, flex resistant , UV resistant and resistant to high traffic. It may be installed on facades, floors, sinks, kitchen tops, bathroom tops, home and office walls. See attached evidence. Applicant is more than willing to limit the identification of the goods so as to cover this innovative product that it has created and that it markets and sells under the brand NEOLITH. Sintering is the process of compacting and forming a solid mass of material by heat and/or pressure without melting it to the point of liquefaction. Again, applicant's product has no relation whatsoever to new and reclaimed stone and architectural elements, doorway and fireplace surrounds, fountains surrounds, fountains, basins, claddings and tile, which are the goods that are the object of the registrant's retail and wholesale store services. They are non-competing goods other than the fact that generally speaking they are construction materials. To sum up NEOLITHIC DESIGN and NEOLITH are distinguishable marks. NEOLITHIC is a adjective. NEOLITH is a noun. NEOLITHIC has a well know meaning whereas NEOLITH has an unknown meaning and As far as the consumer is concerned, NEOLITH is a coined term with no meaning. NEOLITHIC is weak in relation to the services it covers, NEOLITH is entirely arbitrary in connection with the goods and services applicant seeks to cover. Evidently, these marks can coexist in the market without creating a likelihood of confusion scenario. Lastly, applicant would like to point out the following. The final action states, on one hand, that the arguing that the Trademark Office previously allowed MONOLITHIC and MONOLITH for related goods is of no consequence because prior decisions and actions of other trademark examining attorneys in registering other marks have little evidentiary value and not binding upon the USPTO or the TTAB. Yet on the other hand, the final action supports its refusal, in part, on third party marks that were registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This presents an inconsistency. Third party registrations that cover similar goods and services are binding or at least persuasive but third party registrations of similar marks covering related goods and services that coexist are not? Applicant must insist that either both or none are to be taken into consideration. Applicant respectfully request that the section 2(d) refusal entered in this case be withdrawn and that the applied for mark be approved and allowed to proceed to publication. Respectfully submitted.

EVIDENCE

Evidence in the nature of scanned pages from applicant's website has been attached.

Original PDF file:

[evi_6650153108-20141222215158170737_ . CCF12222014_00001.pdf](#)

Converted PDF file(s) (10 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

Evidence-10

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 019 for Non-metallic building materials, namely, wall, cladding, large format flooring and cladding facades, decking, boards and plates of porcelain prepared with natural and ecological raw materials for coating facades, buildings, roofs, walls and floors; prefabricated boards of ceramic and porcelain for coating and building construction; pavings and coatings of ceramic, sandstone, porcelain, natural or artificial stone and wood; tiles of sandstone; tiles of ceramic; tiles of natural or artificial stone, porcelain and wood; marble for building construction; plates of ceramic, porcelain and marble for building construction; slabs of natural stone, concrete or marble; paving blocks not of metal; exterior and outdoor blinds not of metal or textile; coatings for stairs not of metal; facing tiles not of metal for use in building; coating materials not of metal, namely, protective sealing coatings sold as an integral component of granite and stone; sealer coatings sold as an integral component of non-metal tiles, natural stone, and molded resins for construction purposes; tar coatings for use on roofs, walls and pavements; panels, slabs, plates, not of metal, for coating walls, floors and roofs; glass panels for windows and doors; moldings and decorative trim for use in building construction; non-metallic transportable buildings

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: ~~Non-metallic building materials, namely, wall, cladding, large format flooring and cladding facades, decking, boards and plates of porcelain prepared with natural and ecological raw materials for coating facades, buildings, roofs, walls and floors;~~ Non-metallic building materials for construction purposes, namely, wall boards, cladding, large format flooring materials and cladding façade panels, decking, boards, and plates of porcelain prepared with natural and ecological raw materials for coating facades, buildings, roofs, walls and floors; prefabricated boards of ceramic and porcelain for coating and building construction; ~~pavings and coatings of ceramic, sandstone, porcelain, natural or artificial stone and wood;~~ nonmetal paving blocks of ceramic, sandstone, porcelain, natural or artificial stone and wood; tiles of sandstone; tiles of ceramic; tiles of natural or artificial stone, porcelain and wood; marble for building construction; ~~plates of ceramic, porcelain and marble for building construction;~~ non-metal plates of ceramic, porcelain and marble for building construction; ~~slabs of natural stone, concrete or marble;~~ non-metal slabs of natural stone, concrete or marble; paving blocks not of metal; exterior and outdoor blinds not of metal or textile; ~~coatings for stairs not of metal;~~ facing tiles not of metal for use in building; coating materials not of metal, namely, protective sealing coatings sold as an integral component of granite and stone; sealer coatings sold as an integral component of non-metal tiles, natural stone, and molded resins for construction purposes; tar coatings for use on roofs, walls and pavements; panels, slabs, plates, all not of metal, for coating walls, floors and roofs; ~~panels, slabs, plates, not of metal, for coating walls, floors and roofs;~~ glass panels for building construction, namely, for windows and doors; ~~glass panels for windows and doors;~~ non-metal moldings and decorative trim for use in building construction; ~~moldings and decorative trim for use in building construction;~~ non-metallic transportable buildings

Class 019 for Non-metallic building materials for construction purposes, namely, wall boards, cladding, large format flooring materials and cladding façade panels, decking, boards, and plates of porcelain prepared with natural and ecological raw materials for coating facades, buildings, roofs, walls and floors; prefabricated boards of ceramic and porcelain for coating and building construction; nonmetal paving blocks of ceramic, sandstone, porcelain, natural or artificial stone and wood; tiles of sandstone; tiles of

ceramic; tiles of natural or artificial stone, porcelain and wood; marble for building construction; non-metal plates of ceramic, porcelain and marble for building construction; non-metal slabs of natural stone, concrete or marble; paving blocks not of metal; exterior and outdoor blinds not of metal or textile; facing tiles not of metal for use in building; coating materials not of metal, namely, protective sealing coatings sold as an integral component of granite and stone; sealer coatings sold as an integral component of non-metal tiles, natural stone, and molded resins for construction purposes; tar coatings for use on roofs, walls and pavements; panels, slabs, plates, all not of metal, for coating walls, floors and roofs; glass panels for building construction, namely, for windows and doors; non-metal moldings and decorative trim for use in building construction; non-metallic transportable buildings

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for coating all types of constructions and worktops, ceramic and porcelain worktops, marble worktops; advertising services, import and export services in the field of building materials, namely ceramic and porcelain products; commercial services including via global communication networks, namely, ; commercial business services, namely, promoting the goods and services of others via a global communication network, namely, via online notices and advertisements and posting on an electronic site accessible via computer networks; auction and on-line auction services; professional business consulting services; organization of exhibitions for commercial or advertising purposes; conducting an on-line tradeshow exhibition in the field of building materials; commercial information; distribution of product samples for advertising purposes; distribution of advertisements and advertising material; cost-price analysis; market research and studies; business efficiency expert services; message transcription, namely, transcription of written communications and recordings; dissemination of advertising matter; business management of commercial or industrial companies; operational business assistance to commercial and industrial enterprises; advice in the running of establishments as franchises, namely, support services for the issuance of franchises

Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: ~~Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for coating all types of constructions and worktops, ceramic and porcelain worktops, marble worktops;~~ Class 035 Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for coating all types of constructions and worktops, ceramic and porcelain worktops, marble worktops; advertising services, import and export services in the field of building materials, namely ceramic and porcelain products; ~~commercial services including via global communication networks, namely;~~ commercial business services, namely, promoting the goods and services of others via a global communication network, namely, via online notices and advertisements and posting on an electronic site accessible via computer networks; auction and on-line auction services;

professional business consulting services; organization of exhibitions for commercial or advertising purposes; conducting an on-line tradeshow exhibition in the field of building materials; commercial information; distribution of product samples for advertising purposes; distribution of advertisements and advertising material; cost-price analysis; market research and studies; business efficiency expert services; message transcription, namely, transcription of written communications and recordings; dissemination of advertising matter; business management of commercial or industrial companies; operational business assistance to commercial and industrial enterprises; advice in the running of establishments as franchises, namely, support services for the issuance of franchises

Class 035 for Class 035 Wholesale and retail store services and on-line wholesale and retail store services featuring building materials comprising slabs and plates resembling porcelain made with natural and organic raw materials for cladding of facades, buildings, roofs, walls and floors, prefabricated porcelain and ceramic plates for coating all types of constructions and worktops, ceramic and porcelain worktops, marble worktops; advertising services, import and export services in the field of building materials, namely ceramic and porcelain products; commercial business services, namely, promoting the goods and services of others via a global communication network, namely, via online notices and advertisements and posting on an electronic site accessible via computer networks; auction and on-line auction services; professional business consulting services; organization of exhibitions for commercial or advertising purposes; conducting an on-line tradeshow exhibition in the field of building materials; commercial information; distribution of product samples for advertising purposes; distribution of advertisements and advertising material; cost-price analysis; market research and studies; business efficiency expert services; message transcription, namely, transcription of written communications and recordings; dissemination of advertising matter; business management of commercial or industrial companies; operational business assistance to commercial and industrial enterprises; advice in the running of establishments as franchises, namely, support services for the issuance of franchises

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Arturo Perez-Guerrero/ Date: 12/22/2014

Signatory's Name: Arturo Perez-Guerrero

Signatory's Position: Applicant's attorney, Puerto Rico bar member

Signatory's Phone Number: 787 722-3446

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79142068

Internet Transmission Date: Mon Dec 22 21:57:51 EST 2014

TEAS Stamp: USPTO/RFR-66.50.153.108-2014122221575181

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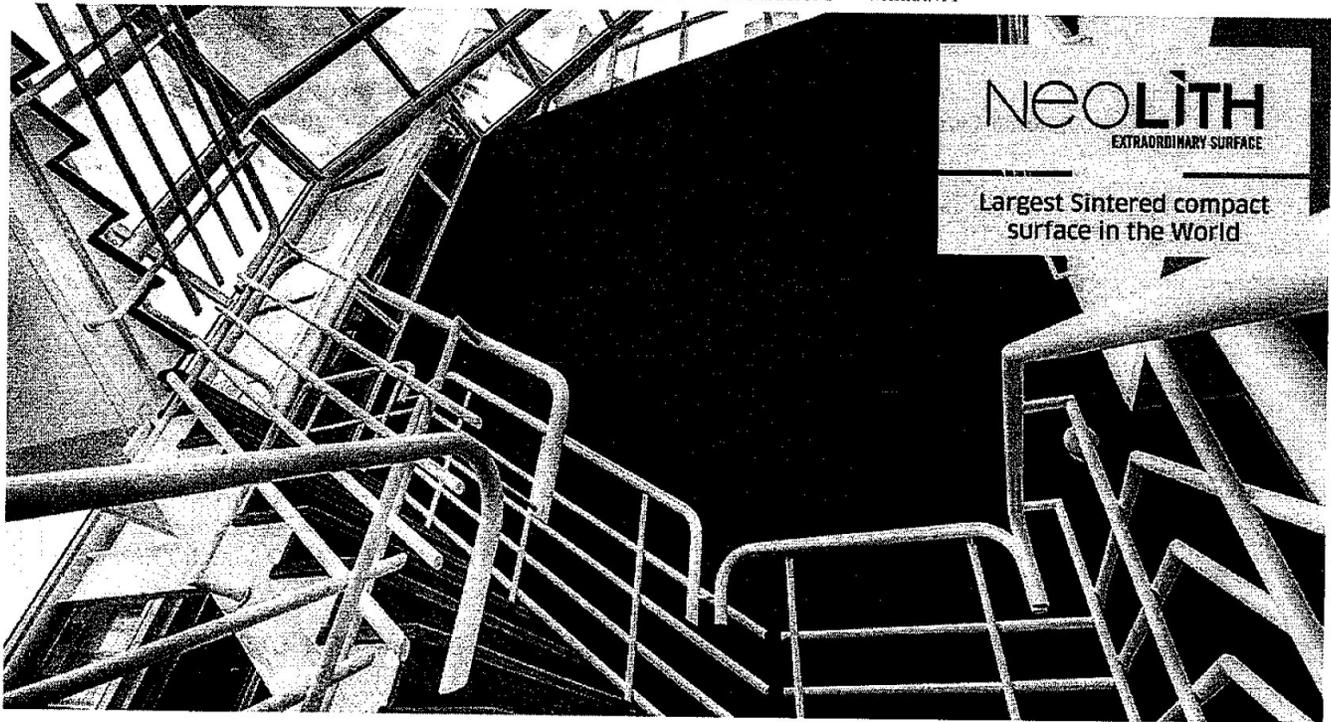
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TECHNICAL SPECS APPLICATIONS COLLECTIONS WARRANTY



Technical Specs



Lightweight
Only 7kg/m2 (1.43 lb/sqf) in the 3mm (1/8") slab



Resistant to scratches
To abrasion, wear and tear



Resistant to high temperatures



Waterproof
Absorption level of almost zero



Hygienic
Totally suitable for contact with food



Easy to clean
Resistant to any kind of chemical cleaning agent



100% Natural
It does not give off any substances that are harmful to the environment



100% Recyclable



Flex Resistant
High flexural strength



Freeze
And thaw resistant



UV Resistance
Neolith colors do not vary with the exposure of UV rays



Resistant to high traffic

TECHNICAL SPECS FORMATS THICKNESS FINISHES FULL BODY & NDD

NeoLith is a revolutionary compact surface that combines high performance specs, trendy colors, large format and variable thickness that will provide solutions for every possible application (countertops, flooring, bathrooms, paneling, cladding, facades).

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THESIZE started its activities in late 2009. During its first two years in business, R+D work was focused on the making of NEOLITH (the largest sintered compact surface in the market, with different thicknesses and excellent mechanical properties).

THESIZE is committed with total quality controls, customer service and worldwide promotion.

News



Once again, Neolith at The Big 5 Show

Neolith repeats attendance at The Big 5 Show: the largest construction exhibition in the Middle East to be held in Dubai from November 17th till the 20th. A large international event that will b ...



Neolith In Ace-Tech Mumbai

Neolith, the Sintered Compact Surface of maximum format and minimum thickness, will be present at the fair of Architecture, Design and Construction Leader in Asia: Ace-Tech Mumbai (India). One year m ...

Kitchens Countertops

Wall Cladding

Facades

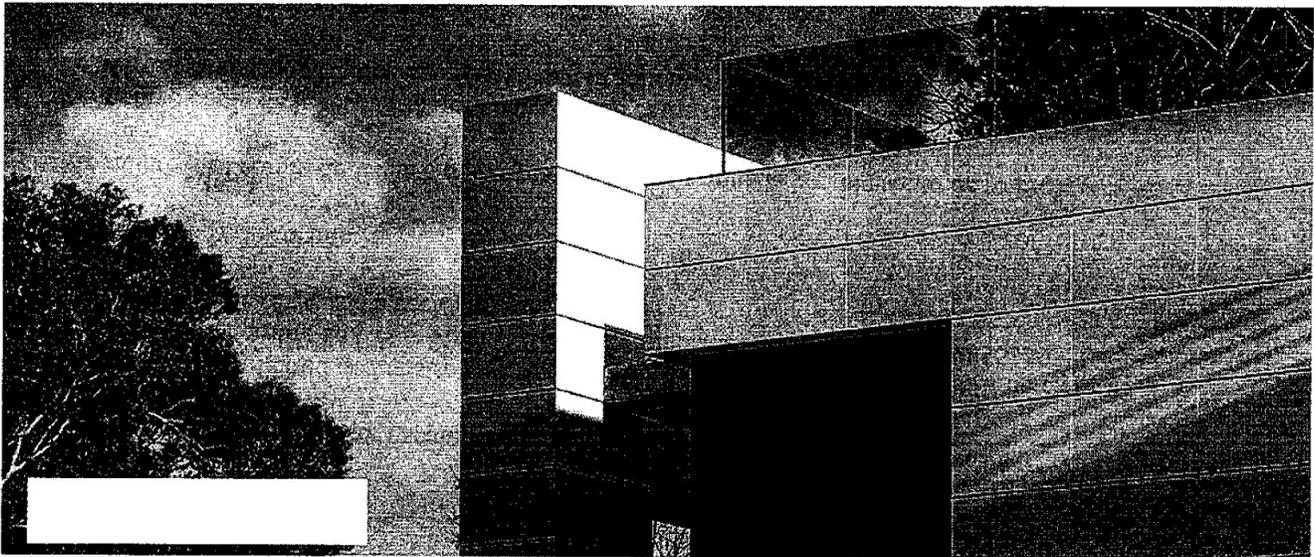
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Unique physical properties makes NeoLith a versatile product with high technical and aesthetic.
 NeoLith is resistant to every climate and extreme weather conditions due to its unique mechanical properties.
 NeoLith is UV resistant, frost resistant and has a low thermal expansion index.
 NeoLith is lightweight and generates efficiency and productivity for installation reducing structural load.

Downloads



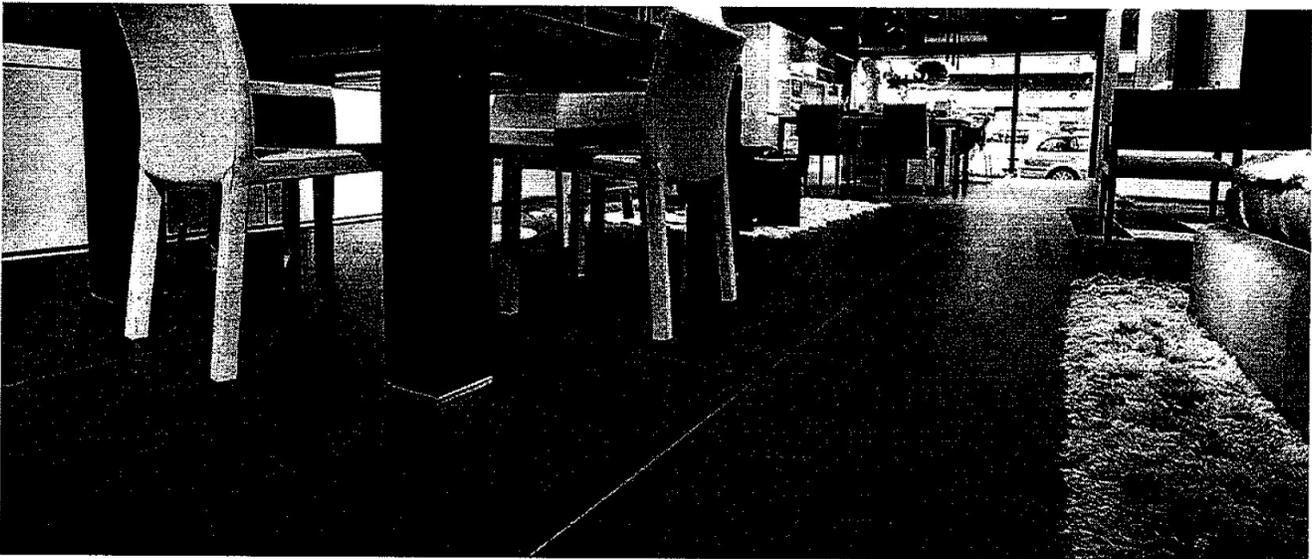
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Unique physical properties makes NeoLith a versatile product with high technical and aesthetic performance. NeoLith is suitable for high traffic flooring applications, resistant to scratching, deep abrasion and any heavy duty cleaning agent.

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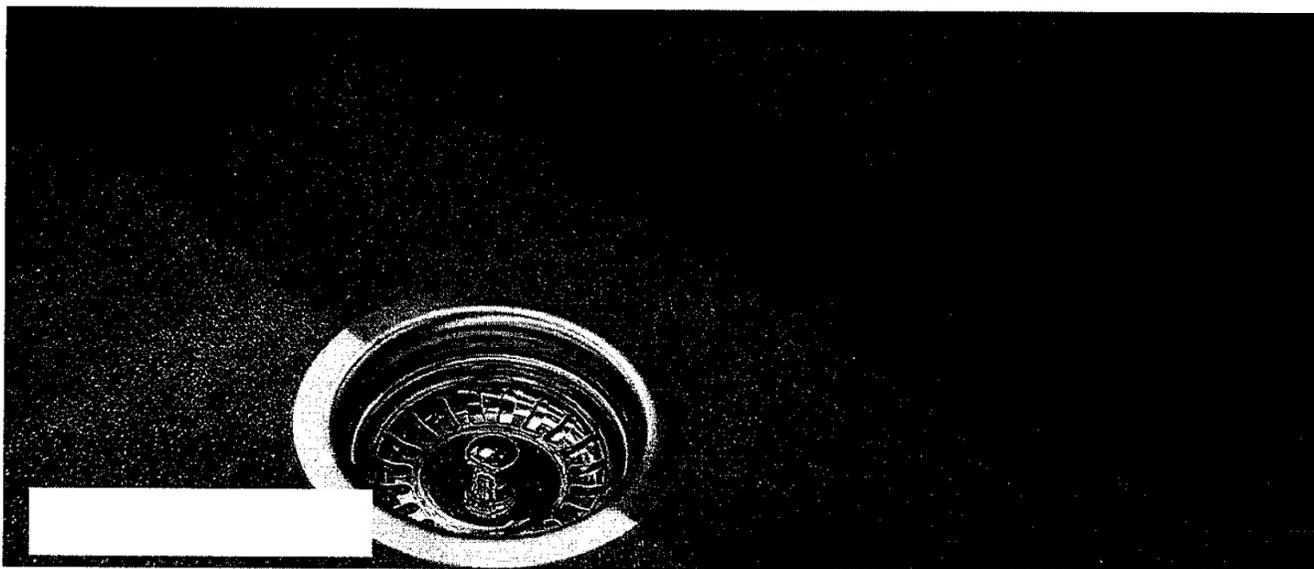
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Neolith, the largest technical porcelain surface in the market introduces its new sink collection.

After months dedicated to the product development, it's been created the best possible ally for the Neolith worktop. With all its properties of resistance and durability that it is demanded to this important complement, the Neolith sinks offer the possibility of getting a completely integrated design in our kitchen.

For its manufacturing it's used the same Neolith that is in the worktop, the same model and even the same color. Also with its special construction system, it resists high impacts and temperatures, two key factors for increasing its lifetime.

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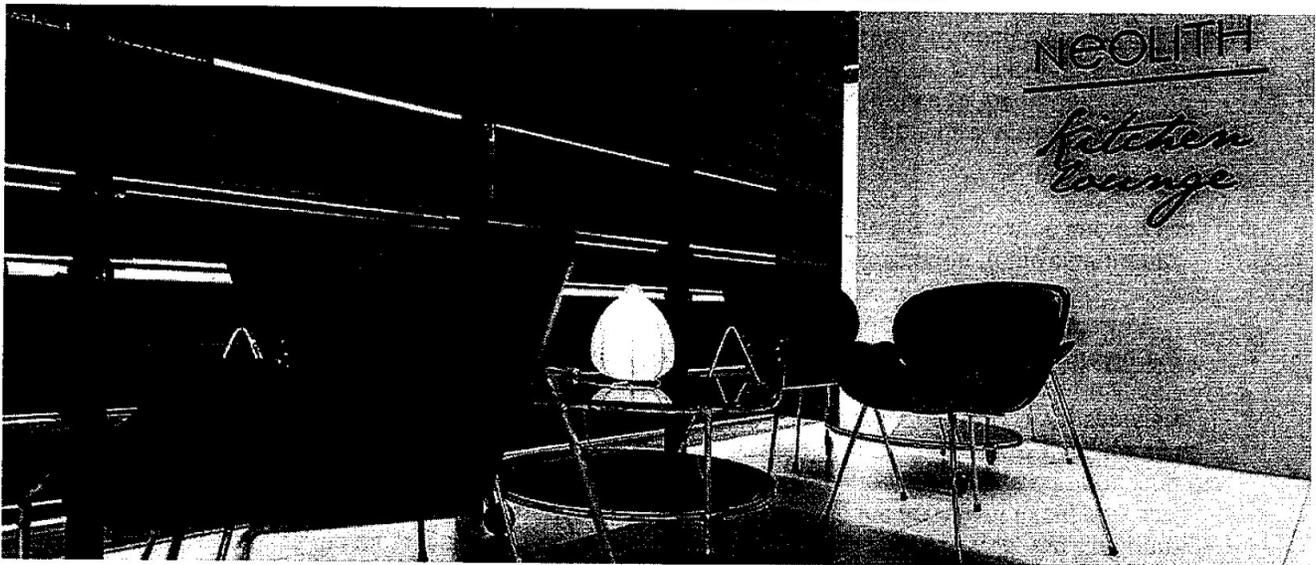
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TECHNICAL SPECS APPLICATIONS COLLECTIONS WARRANTY



FACADES FLOORING WALL CLADDING KITCHENS BATHROOMS SINKS

Unique physical properties makes NeoLith a versatile product with high technical and aesthetic performance. NeoLith is resistant to scratching, deep abrasion and any heavy duty cleaning agent.

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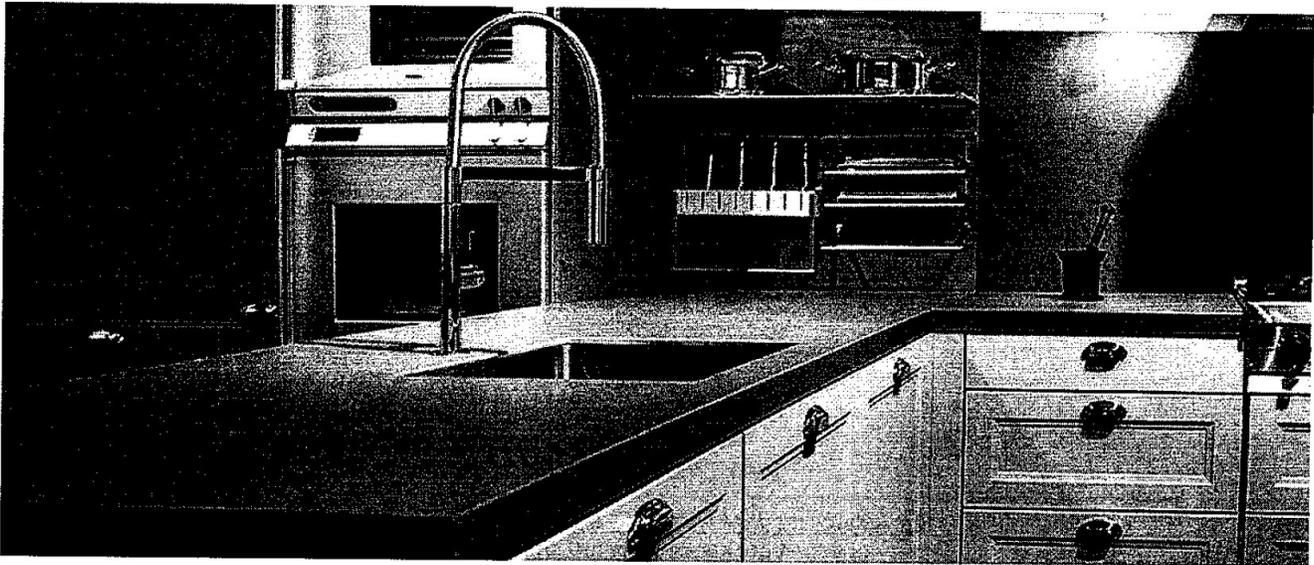


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NEOLITH is a high performance material ideal for applications such as kitchen coverings. NEOLITH does not scratch, does not stain, is heat and fire resistant, and, thanks to the extremely low absorption rate of technical porcelain, ideal for food contact and processing.

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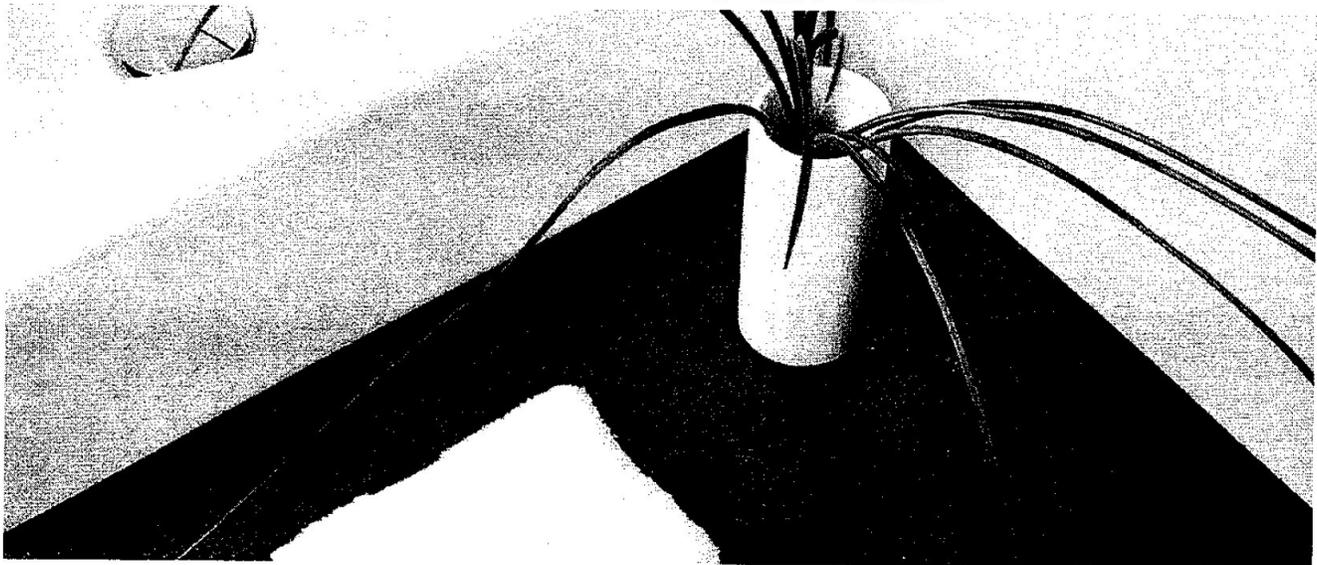
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FACADES FLOORING WALL CLADDING KITCHENS BATHROOMS SINKS

NEOLITH is a high performance material ideal for applications such as bathrooms. On Top of the properties already mentioned, we also recall NEOLITH's chemical inertness. The fact of being completely unreactive, makes NEOLITH suitable for contact with any domestic or industrial cleaning agent such as bleach or ammonia.

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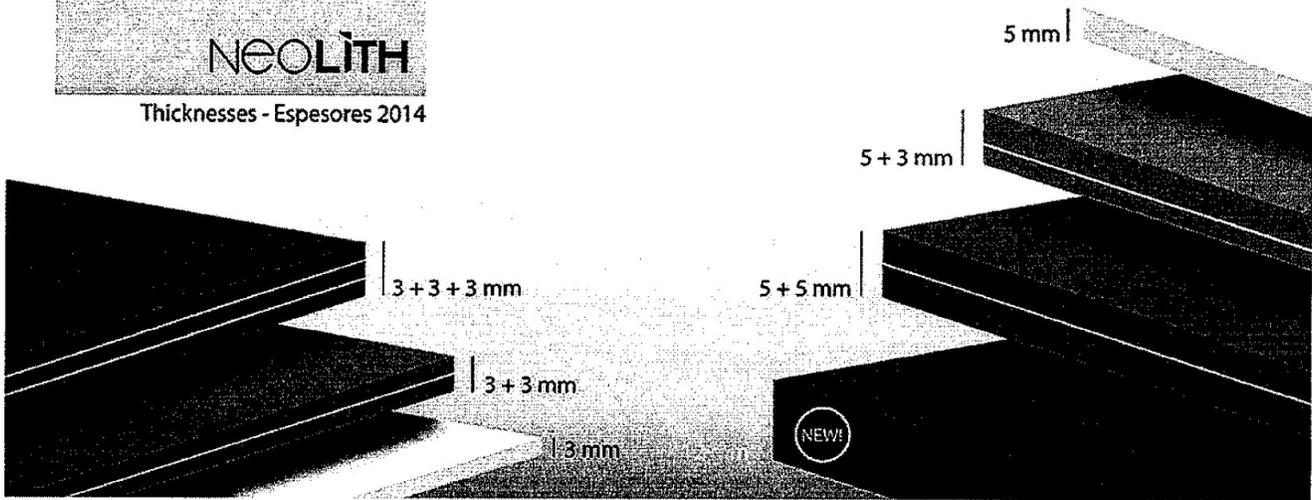
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NEOLITH
Thicknesses - Espesores 2014



[TECHNICAL SPECS](#) [FORMATS](#) [THICKNESS](#) [FINISHES](#) [FULL BODY & NDD](#)

NeoLith slabs and tiles are available in 3 thicknesses: 1/8" (3mm), 3/16" (5mm) and 1/2" (12mm) available with or without reinforcing fiberglass backing.
Laminated formats include 3+3 (1/4"), 5+3 (5/16"), and 5+5 (3/8").

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